

Time To Do A “Surgical” Tribal Regulation Under CWA Section 303(d)

Briefing for Denise Keehner
December 18, 2012

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Appendix: Region 10 Example 2

- * In Spring 2012, Region 10 approached the Watershed Branch for input on the draft Pend Oreille TMDL for temperature submitted by the State of WA and viewed by the Kalispel Tribe as not protective of State of WA WQS or tribal WQS.
- * Since May, the Informal HQ Technical Review Team – Watershed Branch, OGC, OST -- has been carefully considering the Kalispel Tribe's concerns.
- * The tribe visited HQ July 24 to present its concerns to the team.
- * Since the tribe's visit, the team has worked with OST staff to better understand the flexibility within the State of WA WQS and Kalispel Tribe WQS, and whether the cumulative frequency analysis (CFA) statistical analysis within the draft TMDL is consistent with the temperature standards (WA and Kalispel Tribe) as written.

Ex. 5 - Deliberative

- * Region 10 will brief its upper management on HQ's conclusions and will contact HQ after their deliberation.

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